

Lopez Family Trust
Rubel and Sharon Lopez, Trustees
7800 West Rosada Way
Las Vegas, Nevada 89149-5223
702-645-8776
Fax- 702-645-8776 call ahead

September 12, 2007

RE; Justification for Variance for Garage/Storage Building—CLV PC#97060-R-07

City of Las Vegas Planning and Development Department

We believe that the following facts justify the allowing of a variance to build a garage/storage building on this residential lot.

The lot is ½ acres zoned for residential use and can accommodate a building of this size

The building proposed covers only 23% of the rear yard square footage in question

The building proposed plus the primary house cover only 27% of the total land area

Several over size metal structures exist in the neighborhood which do not meet this rule.

The building proposed meets all height requirements being lower in elevation than the primary residential structure. (18'6" vs. 21')

The building proposed meets and/or exceeds all of the setback requirements.

The building proposed has been set back to lessen any view obstruction for neighbors

Neighbors were contacted and have no objection to the project, its size, or design.

The building proposed meets all land use allowances for Las Vegas

The building proposed is sized to accommodate and protect the recreational and personal vehicles and personal items of the residents

The 50% requirement does not take into consideration the rural life style of the RE zoned residences in purchasing larger lot sizes with the purpose of accessory buildings.

The building proposed has been bought and paid for and is on hold for shipment based on the information owners obtained from the planning personnel and building officials prior to placing their order with real dollars. No mention of the new 50% square footage limitation requirement was referenced by any of the 6 staff members that we contacted with phone calls and personal across the counter (with full plans) meetings throughout the planning process.

A change in the size of the building or further delay at this time will create an undo hardship on the owners when it would cause all money invested for engineering, building plans, soils testing and fabrication to be lost. Delays will cause further unnecessary expenses for storage.

Respectfully Submitted

Rubel and Sharon Lopez, Trustees

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Rubel and Sharon Lopez
7800 West Rosada Way
Las Vegas, Nevada 89149
702-645-8776
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August 31, 2007

City of Las Vegas Planning and Development Department
RE: CLV PC# 97060-R-07

- *Project: 36' x 60' x 18'6" Pre-engineered metal building
- *Use: Garage/storage building for cars, truck, motor home, boat, ATV's, Trailer, and personal items
- *All set backs, easements, height requirements comply to jurisdiction policy
- *Neighbors notified and agree to project
- *Soils Report current, NV registered engineer provided
- * Building manufacturer meets required standards.
- *Like structures located in the neighborhood without meeting 50% requirement

In July of 2006 we began to get bids for a proposed project we desired to build on our property. As long time residents, we were Nevada state contractors from 1992 to 2004. I had worked as a residential inspector for the county for 5 years until 2000. We knew that there were rules and that the rules constantly change with the new code cycles and the local jurisdictions policies. Using due diligence we contacted our building department, zoning department, health department and tax assessors office to determine all of the criteria we would currently need to meet and the tax implications of our project. We spoke to several of the technicians at each location, both over the phone and in person. Being satisfied that we had all of the information we needed we drew tentative plans and once again visited the building department technicians for a preliminary review before spending our money. We decided that the project would need to be done in three phases. The first phase of our project which we currently have permitted and are in the process of building needed to be completed prior to submitting for the second phase which is the permit in question at this time. All phases of the project were discussed at each of the meetings with the technicians involved as each would affect the other. After nearly 10 months of engineering delays to meet your department requirements for phase one we obtained a permit to begin. At that time we now felt that we would be able to go ahead with confidence. We had permitted only the first phase which was a small room addition to our residence but since all discussion to this point had been about all phases that were being planned we began to do the planning for phase two which is the metal garage/storage building.

In order to begin the process for phase two we had to get plans and tests done. The building company who will provide the building required a down payment and order of the building in question to provide plans appropriate to submit for permits. We had done our due diligence so we had no problem spending the money and ordering the building and the plans and engineering you require to go forward. We then could get a local engineer to do the foundations plan and engineering. We had been told that we needed a soils test. A soils test was obtained in May of

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2007 as we waited for the building plans and foundation engineering to be completed. We received the building plans in June and the final local engineered plans August 28, 2007. Hurray, we can finally get a permit and begin work on phase two. Our pleasure was short lived when we received word today that our project does not meet the city criteria. After 6 phone calls and 5 personal meetings with your building department technicians I was shocked. This was the first time anyone had said that there was a limit on the size of the building in relation to the square footage of living area of our home. We had discussed set backs, easements, total land coverage, overall height of the building, consent of neighbors, esthetics, special inspection requirements, plan submittal requirements and even inspection schedules but not once did any of the three technicians we spoke to reference a 50% of living area requirement. I had never heard of this requirement. All technicians had seen the proposed plans, the square footage of the buildings and had available to them the square footage of the current residence but did not mention the 50% rule.

The size of the proposed garage/storage building we are attempting to permit at this time does not meet the 50% of living area of the residence requirement. It will not meet this requirement even after phase one is complete and if phase three (an attached garage conversion) is completed and added to the living space square footage. The size of the building was chosen to accommodate our motor home, recreational vehicles, cars and other personal property for storage and access for daily use. We chose the size on need and affordability keeping tax burden in mind as well.

Unfortunately our 36' x 60' building has been ordered and is awaiting shipment. The plans reflect that size, the foundation engineering reflects that size, the soils tests were done with that size in mind. To date over \$10,000 of non refundable funds have been spent. Further delay at this time will incur additional expenses with no hope of recovery. A November date for a variance meeting would cause a severe hardship on us financially due to the need to delay shipment and redo the expired tests and engineering.

We feel that the size of the building is not excessive for the size of the lot and the side and rear yard allowances we have provided make it acceptable to our immediate neighbors. The building location on the lot was chosen for intended use but also to have the least impact on the neighborhood and our neighbors. We had originally been told we could go within 8' of our leach field, within 5' of the rear property line, 10' from the side property line and 15' from the street property line. One of the technicians even joked that we could fill up that whole space is we so desired and could afford it. A building covering that whole area would have been 45' x 72', 3240 square feet and 1/3 larger than what we propose.

In further consideration: there are several metal buildings in the immediate area (within 6 blocks of our home) that upon casual observation could not have met the 50% requirement. Two buildings I walk by every day are about the same size as the house on the same property.

With all of the above explanation and details I have provided for your consideration, we request that this requirement be set aside without the need for the added expense and delay of a variance. We have met all of the requirements that were made known to us. Our immediate neighbors are aware of our project and have said they have no objection.

Respectfully Submitted
Rubel and Sharon Lopez

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